APPENDIX III.

[Vide answer to question No. 553 asked by Mr. U. C. Subrahmanya Bhatt at the meeting of the Legislative Council held on the 30th January 1934, page 138 supra.]

A memorandum from the Landholders' Association, South Kanara, Mangalore.

To the Hon'ble Diwan Bahadur Sir M. KRISHNAN NAYAR,
Law Member, Government of Madras.

SIR,

[Forest—Reserves in South Kanara—Withdrawal of concessions.]

Since Government have taken the extreme step of withdrawing the concessions or privileges which the ryots enjoyed hitherto in twelve reserve forests of the North Mangalore division and one reserve forest in the South Mangalore division of this district since 1st April 1933, several meetings of the ryots have been held and memorials and petitions have been submitted to Government from various quarters including this association protesting against the said withdrawal but the association keenly regrets to find that Government have not yet been pleased to cancel the same.

2. Amongst the various meetings so held since 1st April 1933 an important meeting was held under the auspices of this association at Kirimanjeshwar in the Coondapoor taluk on the 8th of October last, when Mr. A. B. Shetty, M.L.C., a member of the Executive Committee of the Association, and Mr. K. R. Karant, its Secretary, were specially present. One hundred and forty ryots representing as many as 21 villages of the north and north-west portions of the Coondapoor taluk were present. The question of the withdrawal was discussed in all its aspects and the resolutions passed at the said meeting have amongst others been considered by the executive committee of the association at their meetings held at Mangalore on the 15th and the 22nd of October 1933. The tale of woe and suffering expressed, at the said meeting of Kirimanjeshwar by the ryots present on account of the withdrawal of the concessions, to the said representatives of the association was truly heartrending.

3. The committee has at the said meetings also discussed the reports of the Conservator of Forests and the Chief Conservator of Forests printed and laid on the table of the Legislative Council with reference to the supplementary question to question No. 73 asked at the meeting of the Council on 2nd August 1933. After deeply considering the above as well as the various representations received by the association regarding the withdrawal from the ryots of the concerned areas the executive committee have authorized the secretary to submit this memorandum on

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behalf of the association to Government and have also authorized Diwan Bahadur B. Mahabala Hegde, B.A., B.L., President of the Association, to interview the Hon'ble the Law Member at Madras and supplement this memorandum as may be necessary.

4. It is to be highly regretted that in the matter of the withdrawal of the concessions which has hit hard the lives and well-being, or more truly the struggle for existence, of thousands of people solely depending upon cultivation in the numerous villages in which the aforesaid reserves are situated, and in which the said concessions have been withdrawn since 1st April 1933; and even though the position of the ryots has become almost desperate, both on account of the withdrawal as also on account of the keen economic depression prevailing in the district, Government should be turning a deaf ear to all representations. It is indeed sad that in this matter the one-sided reports of the Forest department which, it is respectfully submitted, appear to have absolutely no feeling towards the ryots concerned, and the sole objects of which appear to be to advance the theory and science of forest conservancy and its revenue regardless of all practical considerations, should outweigh with Government the fortunes and miseries of thousands of these cultivators.

5. In taking the drastic step which Government have done, the association respectfully ask Government whether they have seriously considered the following questions. Have they cared to make an enquiry on the spot as to how many thousands of families are depending for their livelihood entirely upon agriculture in the numerous villages in which the concessions are now closed? Have these people any other means of substituting the numerous needs, which till now they have been getting from these reserves, for the vast quantities of green and dry leaves for their manure, grass for the fodder of their cattle, fuel for their agricultural and domestic needs, etc.? Has anyone, before closing these concessions, as if by a stroke of the pen, ever practically demonstrated to them or shown to them there are other ways in which their needs could be satisfied? Will Government be pleased even now to ascertain the thousands of rupees in the shape of land revenue and cesses which they are obliged to pay Government year after year? Is it not worthwhile making an enquiry as to how they are to cultivate their lands in the absence of these vital necessaries, make a living out of cultivation, and yet continue to pay assessment to the Revenue department? Are the Forest department of Government and its own Revenue department so divorced from each other that the former does not care as to how the latter is to collect its revenue? Have Government ever paid serious heed to the ever increasing demands of more and more population living in these areas which are coastal parts of the district? The reserves in question were constituted some 30 or 40 years ago at a time when population was very much less and the needs of cultivation also much less than now. Since that time both have increased, if the association is not mistaken, by more than 50 per cent and yet in all this period, far from trying to meet the ever increasing demands of both, making more and more lands available out of these reserves for the purposes, and

absolute purposes too; of cultivation and also lessening the rigours of the forest laws to suit such needs, the attempt seems to be the other way, namely, to curtail cultivation, to increase the extent of reserves in these thickly populated areas, to afforest for the first time even to-day fresh reserves in them and thereby render cultivation almost impossible. Will Government be pleased to order a survey, even on an approximate scale, if not for all the villages concerned, at least for a few typical amongst them of the various hardships and miseries and losses which are caused to the ryots of these villages, day-in and day-out, on account of the reserve forests of the Government? How many thousands of valuable cattle which is the best portion of the wealth of these cultivators is being destroyed year after year by the tigers and panthers abounding in these forests! In practically every field growing a crop in the villages concerned a good portion of the same is devoured and devastated by the wild bears, monkeys and various other kinds of animals that are infesting the forests and which are increasing in numbers year by year. And what of the enormous sufferings these poor people are put to on account of the ever increasing malaria which has become a permanent factor in these regions! Will Government be pleased to call for figures, let alone of cattle, of men, women and children in the villages concerned, apart from other affected portions of the district where the case is much worse, what not even human life is safe, of the men, women and children who are killed or mauled by the tigers and panthers in these areas? Particularly in the Coondapoor taluk, since the last six months, this trouble seems to have increased all of a sudden and it is high time that Government took note of these and allied matters. The association has heard of a society being formed at Madras for the preservation of wild life. Is it not far more important that something is done to set afoot an organization for the preservation of the very lives of these cultivators and of their cattle which after all have some claim upon the Government?

6. Quite recently a much revered and respected Catholic priest living in one of the villages, wherein these concessions have been withdrawn, has written as follows to a member of the association:—". . . They (the menials of the Forest department) give too much trouble to the villagers and extort money and if their thirst is not quenched make false cases and add to the weight of the forest laws which are already unbearable. I am not a prophet. Yet I can foresee that people will not be able to live around these reserves after some years. Their crops are destroyed by wild animals. Their livestock is reduced by the panthers and tigers. Yet the Government is merciless. It is a pure tyranny." People sitting at Madras or the high-placed officials of the Forest department may laugh at this! And yet, anyone with a heart and who has an intimate knowledge of the forest areas of this district cannot say that the condition of things spoken to by this sincere and disinterested priest is anything but true and correct. Sir, even worms are said to turn. But it may be only in proverbs. If elsewhere they do not and cannot, is it really worthwhile for the Government to

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tread and kill them beyond all hope of recovery or redemption? Have the cultivators of this area no claim at all to a more human existence, let alone a decent one?

7. Dealing specifically with some of the important points noticed by the Conservator of Forests in his report referred to above, he appears to think that these reserves are being used and exploited only by the 'vociferous landlords' and not by the actual cultivators. This is an entirely mistaken idea. The well-to-do landholders who have their own 'hadies' or petty forests, which the Conservator refers to, are few and far between. It is not every ryot in a village, or even a landlord who has some tenants under him, that can afford to own a 'hadi' in these areas. The hundreds and thousands of petty landholders or the much numerous class of the chalgeni tenants (tenants from year to year) have no 'hadies' whatever to draw upon for their requirements. The association does not believe that it has ever been the case of the Forest department that the thousands of the villagers, mostly actual cultivators, if not paid coolies, walk every day to and from anything between 5 to 10 miles, to obtain and carry headloads of these manure leaves or fuel to sell them to others. If that is not the case and if people have ample leaves in their own 'hadies,' as the Conservator seems to assume, why should these people put themselves to all this trouble?

8. Another remark of the Conservator is that these concessions have been largely abused in certain parts of the district. As regards the general charge of abuse, whilst the association will not deny some abuses here and there which are in the nature of things inevitable, it emphatically denies that it exists to the enormous extent which the department would try to make out. In fact the Conservator himself admits that to some extent such abuses are inevitable, that the rules are indefinite, that their practical application is more difficult and that therefore some amount of abuse is bound to exist. The association would however submit that if due and proper allowance is to be made for the large demands of thousands of acres of cultivation that depend solely upon these concessions and for the very great needs of the domestic lives of thousands of families living in these vast areas the so-called abuses are surely not serious. It is rather unfortunate that in considering the question of these abuses the mind of the Conservator should have been prejudiced by the lawlessness of the northern portions of Coondapoor taluk. One imagines that this has reference to the civil disobedience activities last year in respect of some of these reserves. The association deeply regrets the activities in respect of such forests by some of the persons concerned. But can anyone say that the wholesale populations of these areas have taken part in these activities? Otherwise it would be wrong to penalize the entire people of these areas for the misguided activities of a few.

9. Speaking of these abuses the Conservator himself admits that in certain parts, as for instance the Mandakole reserve, the abuses of the concessions have greatly abated after the District Forest Officer had an

interview with the villagers. The Forest Administration Report for 1930–31, Volume I, paragraph 113, would show that the forest village system including the Todar and Hosabettu reserves of the North Mangalore division has worked satisfactorily. And yet these concessions are withdrawn on 1st April 1933 also in those two reserves. Is it credible that in this short interval extraordinary abuses could have taken place? This association does not think so.

10. On the other hand there lurks in the mind of the association a shrewd suspicion that the story of these abuses with respect to most, if not all, of the reserves in question, is really the result of a deliberate change of policy with respect to these reserves by the Forest department. It has been repeatedly stated in the past on behalf of Government that the reserves in question as well as others called "Ryots' Forests" are intended mainly to supply the agricultural and domestic needs of the ryots residing in their vicinity. On 16th March 1928, Sir Archibald Campbell spoke as follows in the Legislative Council (vide Council Proceedings, Volume 41, page 242):—"The forests of the province are classified into two classes, the Provincial Forests and the Ryots' Forests. The Provincial Forests include those which it is desirable to work commercially and for which as much revenue as possible could be obtained. The Ryots' Forests are those which are near villages and are not so important commercially but are important to the local people." Said Sir Thomas Moir, some time earlier, in the Legislative Council (vide Council Proceedings, Volume 35, page 304):—"We do not forget and have never forgotten that its (the Forest department's) main object is to supply the needs of the people and it must pay attention to the fact that the ryots do require fuel, that they require timber for houses, that they require implements for agriculture and that they require grazing for their cattle." The words of the memorable resolution of the Government of India on the forest policy of the Government stated so long ago as 1894 are still more clear and stand amidst much of the present trouble and darkness, as a beacon light. It is printed in the Forest Code obviously as the guiding star to the department. But the present attempt of the department in closing the concessions altogether in some of the reserves and threatening to close them entirely in all the reserves of this district in the immediate future seems to show as if the wise words of the above resolution are no longer to be respected. In a word, it looks as if so far at any rate the people of this district are concerned, hereafter, the people are to exist entirely at the mercy of the Forest department and not that the Forest department is to exist for serving the needs of the people.

11. Even at the risk of repeating the relevant portions of the above resolution the association craves leave to quote them:—"The needs of communities dwelling on the margin of forest tracts consist mainly in small timber for building, wood for fuel, leaves for manure and for fodder, thorns for fencing, grass and grazing for cattle and edible forest produce for their own consumption. Every reasonable facility

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should be afforded to the people concerned for the full and easy satisfaction of these needs. It should be distinctly understood that considerations of forest income are to be subordinated to that satisfaction. . . It should also be remembered that, subject to certain conditions to be referred to presently, the claims of cultivation are stronger than the claims of forest preservation. . . Such restrictions as may be necessary for the preservation of the forest or for the better enjoyment of its benefits should be imposed. But no restrictions should be placed upon reasonable local demands merely in order to increase the State revenues. . . The inferior subordinates of the Forest department are perhaps as reliable as can be expected on the pay which we can afford to give, but their morality is no higher than that of the uneducated class from which they are drawn, while the enormous areas over which they are scattered and the small number of controlling staff render effective supervision most difficult. It is not right in order to protect the grass or grazing dues on plots of wastes scattered over the cultivated district, to put it into the power of an underling to pound or threaten to pound cattle on the plea that they have overstepped the boundary between their owners' field and the next. It is to be distinctly understood that the Government of India do not desire that the grazing should be looked upon primarily as a source of revenue.'' To close the reserves for the just and necessary satisfaction of the several needs of the cultivators in this district as Government have done by their withdrawal of the concessions since 1st April last, and to threaten to do so in all the reserve forests in the extremely hilly and forest areas of this district is to give the complete go-by to the aforesaid resolution of the Government of India and the openly acknowledged policy of this Government itself hitherto, and it is respectfully submitted, a clear breach of faith. The attempt on the part of the Forest department in this district appears to be not to exploit the vast extent of the dense, the first rate and primeval forests situated on the ghaut and sub-ghaut regions of this district from one end to the other, as they deserve to, and ought to, be exploited commercially, but to leave them practically untouched, and on the other hand to change the ryots' forests which have all along been held out to be ryots' forests where only fuel was to be got into sandalwood and other kinds of exploitation forests, and for this purpose to close them entirely to the people and deny them all their legitimate needs irrespective of all considerations of justice and common humanity. Otherwise what right or justice is there in closing a reserve like the Thodar or Hosabettu situated amidst thousands of cultivators into sandalwood forests? Will the Forest department be pleased to state the total net revenue that they have been able to provide the Government with ever since the department was started in respect of the reserves with which we are now concerned as against the revenue paid in this period in the shape of land revenue and cesses by the people in the villages concerned and vastly more than this the terrible and stupendous losses which the people have suffered by reason of the devastation of their cattle and crops,

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direct and indirect, solely due to the proximity of the reserves in question? If figures are forthcoming it will no doubt be found that the former is practically nothing compared with the latter.

12. Before leaving the question of these abuses finally, this association has repeatedly represented in the past that there is no use of compiling an impractical list of as many as 35 species of prohibited and classified trees from which leaves and twigs shall not be removed but which list cannot be known or remembered by even many of the forest guards or foresters and which has been compiled irrespective of the sufficiency or otherwise of other species that would be necessary to satisfy the legitimate demands of the cultivators.

13. Whilst the Forest department appears to have been always anxious to point out and emphasize abuses of concessions on the part of the illiterate and ignorant villagers, will the department show an equal anxiety to look into the record of its own subordinates who have been, to some extent at least, responsible for some of these abuses? It is an open secret that in almost every part of the district wherever there are the reserves the villagers are practically compelled to submit themselves to almost a systematized form of corruption either for the very use of these concessions on the part of the people or for being saved from the tyranny of false and manipulated forest cases. In fact even in the case of the very reserves which are now closed and which form the main object of this memorandum one could find that still certain people in many of these villages are being allowed to remove manure leaves and fuel, but only the charges levied are much more excessive than used to be extorted in the past. The association does not wish it to be understood that it sympathizes in the least with the ryots who have recourse to such unlawful means though it cannot but regret the existence of circumstances which drive them to such a course. To the Forest department it would, however, say that some amount of self-introspection would not be entirely out of place.

14. There is one matter in the report of the Chief Conservator of Forests referred to above which would require some elucidation. It appears therefrom that the proposal is to close the reserves for these concessions in the interior of the district and then to work towards the sea where the demand is admittedly the heaviest. But unfortunately the reserves now closed are all the coastal reserves and not the interior ones at all. Every one of these reserves is situated as already stated above amidst largely cultivated and thickly populated villages. How happens it then that the process instead of commencing from the interior towards the sea is working in the opposite direction?

15. There is one remark, if it cannot be called also an argument, of the Conservator in his report referred to above which requires an answer. He says that South Kanara is setting up 'awkward precedents' and wants to know as to why it should get the concessions free. Herein lies most of the misfortune of this district. The Forest Officers who come to this district and are transferred almost every year or every other year are

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absolutely ignorant of the past history of this district and are equally out of touch with the habits, needs and requirements of its people. Anyone who wants to do some justice to the people of this district, belated though it be, would do well to peruse and study its past history from the memorable minute of the Hon'ble Mr. Robinson, Second Member of the Board of Revenue, dated 3rd December 1870. Therein he will find traced most authoritatively how step by step after the advent of the British rule in this district in 1799 the valuable and immemorial private rights of the people of this district were confiscated and deprived one by one. To Mr. Robinson and to some of the Collectors of South Kanara quoted in that minute who put up a stubborn fight for the Kanara cultivator as against the inroads of the enthusiast of the Forest department on the one hand who appear to have existed even at that time, and those of the Revenue Department on the other, the ryots of Kanara shall ever be grateful though it must be admitted that all along it has been a losing fight! Therein one will find how private rights in land in this district were in no way different from those in the sister district of Malabar. The only difference in the ultimate result appears to be largely due to the fact that whilst in Kanara the people begged and petitioned and begged and lost, the people of Malabar appear to have taken to stronger and more convincing methods and won. In the said minute and in the proceedings of the Board of Revenue, dated 21st March 1871, which conceded the substantial justice of the people's claim urged by Mr. Robinson, will be found a chapter both as to the forest as well as the land revenue administration of this district which exposes the systematic confiscation of private rights and privileges which had begun prior thereto but has gone on ever since and continues to do even to-day. Let it be clearly remembered that the concessions so-called are after all the survivals of some of these old rights and privileges. It will be well for the Forest department to remember that the forests in question were being enjoyed by the agriculturists of the vicinity for hundreds of years prior to their reservation for the satisfaction of all their domestic and agricultural needs and that these concessions are not mere favours created and bestowed for the first time by Government. This was expressly admitted by Government in their answer to question No. 650 asked in the Legislative Council on 11th October 1924 by the member for South Kanara, Mr. B. Mahabala Hegde (now Diwan Bahadur). It was stated by Government that the reserve forests of this district of the IV class numbering 59 were being enjoyed prior to such reservation by the agriculturists for the above purposes. The fact is that, except for the immemorial forests on the ghaut section of this district, most of the rest of the lands including the forests therein were the properties of the people. States the Imperial Gazetteer of India (1886), Volume 7, page 376: "The forest land is of vast extent, but the exact area is unknown, as the district (South Kanara) has never been surveyed. Most of the land is private property, and only a few forests near the ghauts are owned by Government." The holdings or 'wargs' of the people included not only the actual lands under cultivation but also the surrounding tracts of hilly wastes which grow the necessary grass,

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fuel, green manure and other materials so necessary for the cultivation of the wet lands and gardens and forming a necessary adjunct thereto Previous to the advent of the British rule and for nearly a century thereafter the assessment payable to Government on such an holding was fixed with respect to its entire extent and not merely with respect to the cultivated portion thereof. The proprietors called ' wargdars ' or ' mulgars ' had in their possession what were called ' mulpattas ' or ' title deeds,' some of which were found in 1800 by Mr. Munro, the first British Collector of the district, to be even 300 or 400 years old and which gave to their owners the most complete form of private property ever known in any country. What happened subsequently to these mulpattas and to the valuable rights of which they were the muniments of title is too sad a tale to recount. Nor would all that be necessary in this connexion except to inform the high officials of the Forest department as to why Kanara alone enjoys these concessions free and why it should be free hereafter also. Suffice it to say that many of these private forests were reserved as Government forests paying practically little or no compensation. In their place, as shadows for the substance, were granted these forest concessions in the reserves on the one hand and what are called ' kumki ' privileges on the other. The former are now tottering whilst with the many inroads that have been made upon the latter from time to time they have now become as precarious as ever. It looks as if all that one can do is to appeal to the sense of justice of Government, and to ' Heaven ' above in the last resort!

16. Having said this much the association would like to assure Government of their readiness to co-operate with them in their attempts to see that the concessions in question are used as fairly and properly as may practicably be possible. The association feels that the people who benefit by these concessions should to some extent at least be prepared to come forward and share the responsibility of the protection of the forests concerned. The question of the working of panchayats for this purpose has been both put to the people as well as considered by the Executive Committee of the association but unfortunately it is found from past experience in this district as well as by the local peculiarities that the panchayats do not work satisfactorily at all. One chief reason for it is that unlike as in the East Coast districts where the villagers live in a centralized and compact area and can easily watch one another, here all the district over one would find houses and properties spread out in almost every nook and corner. Some villagers will be found living on the edge of a forest whilst there will be others living even four or five miles away. It is extremely difficult for people to work in such conditions as a panchayat and assume the entire responsibility of the protection of a forest either from the abuse of the concessions or from fires. The association has however asked some of the villagers concerned and they have agreed to form some form of ' vigilance committees ' to undertake the responsibility of reporting cases of abuse to the concerned officers of the Forest department and to keen a general watch on the proper use of the concessions by the people. This was expressly put to the ryots assembled at the Kirimanjeshwar meeting

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and approved by them. The association would undertake in the first instance to organize such committees of responsible ryots with a view to achieve the above purpose.

17. The association would earnestly urge upon Government the imperative need of lessening the rigors of the forest laws in respect of the reserves in question and also in similarly situated reserves with a view to meet and adjust the increasing demands of cultivation. Larger extents of lands from out of these reserves must be made available to the people who are ever-increasing population. If the Forest department, situated as it is, cannot be made to change their angle of vision, the association would urge very strongly to put all such reserve forests under the Revenue Department as the latter are in touch with the people, know their difficulties, and are responsible for the timely collection of thousands of rupees in the shape of land revenue from the people of these areas. If this cannot be done, the association would earnestly press upon Government the need for the constitution of a representative committee for the whole district in which the Forest department, the Collector of the district and responsible non-official representatives of the ryots who are affected by the reserves in the district might be represented. This committee might meet once or twice a year and discuss the hardships of the ryots whether with respect to the concessions or otherwise or the charges of abuses that may be brought against the people by the department and thereby exercise a proper influence on the ryot population concerned.

18. Next the association would urge some modifications of the rules governing these concessions so that they may be capable of practical use and enforcement and may satisfy the particular and special needs of particular localities. For instance, as already stated, there is no use in sticking fast to the entire list of the 35 species prohibiting people from removing leaves and twigs. The number should be reduced to a reasonable limit, regard being had to the sufficiency or otherwise of particular species in particular localities. Or again take the case of the removal of undergrowth in coastal reserves up to a limit of 200 yards from the limits of private holdings or half a mile in the case of others. As the Conservator remarks in his report referred to above this rule has not been of much practical utility. As the Conservator observes the main object of this concession is to keep away the wild beasts from the cultivation. But surely the means of an average cultivator do not allow him to clear away all this wide and indefinite belt. What would really achieve this object and which would be well within his means, and at the same time make the concession incapable of abuse, is to so modify it as to permit him to clear away a belt of say only 50 yards in the first instance allowing him to cut and remove all kinds of shrubs and trees, subject of course to the claim of the Forest department for such trees cut; and if he so clears that belt, to allow him to cut another 50 yards with similar conditions. The exact form of the rule proposed above might be altered after discussion but on the lines indicated the rule will go a great way to reduce the devastation of crops by the wild animals particularly the wild-boars and monkeys.

19. In conclusion the association begs to urge upon Government the imperative need of cancelling forthwith the withdrawal of the concessions and to see that the legitimate needs of the people are met as far as possible and are not altogether denied and also to take on hand the changes proposed herein as early as possible.

I have the honour to be,
Sir,
Your most obedient servant,
(Signed) ————,
Secretary, The South Kanara Landholders' Association.

MANGALORE,
8th November 1933.

APPENDIX IV.

[*Vide* item IV at page 141 *supra*.]

BILL No. 11 OF 1933.

THE MADRAS PUBLIC LIBRARIES BILL.

To

THE HONOURABLE THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

WE, the members of the Select Committee appointed to consider the Madras Public Libraries Bill (Bill No. 11 of 1933), have the honour to submit the following report.

2. The Bill was published in the *Fort St. George Gazette* in English on the 15th August 1933, in Tamil, Kanarese and Telugu on the 3rd October 1933 and in Malayalam on the 24th October 1933.

3. We met on the 11th and 12th December 1933 and on the 16th January 1934 and considered the provisions of the Bill. On the 18th January 1934, we met and passed our report.

4. We have made various changes in the Bill. The following are some of the more important of them.